IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 383 of 2005

Between:

Smt. Dabbeeru Padmavathi, W/o. Govinda Rao,
Kotabommali-I, Srikakulam District.

..... PETITIONER

AND

1 The Joint Collector (F.A.C.), Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer, (F.P) Tekkali Division, Tekkali, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in suspending the authorisation of the petitioner is highly arbitrary and consequently direct the respondents to continue the petitioner as fair price shop dealer by setting aside D.Dis.1795/2004 A, dated 04-10-2004 and SRA. No. 36/2004 S.1, dated 18-11-2004 of the respondents.

Counsel for the Petitioner:MR.B.NAGESWARA RAO

Counsel for the Respondents No.1 and 2: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

Petitioner was appointed as a fair price shop dealer of village Kotabommali-I. She was issued a show cause notice dated 02.07.2004 alleging that she is working as an Anganwadi Supervisor and in view of the orders contained in G.O.Ms.No.53 dated 06.10.2003, it is not permissible for her to continue as the Anganwadi supervisor as well as the fair price shop dealer. She was required to submit her explanation as to why suitable action shall not be taken against her. The petitioner submitted her explanation on 26.07.2004. She pleaded that her appointment as the Anganwadi Supervisor is temporary in nature and was in a voluntary organization. According to her, the appointment was up to 31.03.2004 and the same did not constitute any disqualification. On consideration of the explanation submitted by the petitioner, the second respondent suspended her authorization.

Initially, the petitioner filed W.P.No.19136 of 2004 before this Court challenging the order of the second respondent. No interim orders are passed on the ground that the petitioner had an effective alternative remedy by way of appeal. The petitioner had availed the remedy of appeal before the first respondent, with an application for stay. Her grievance is that the first respondent has not passed any order in the application for stay and seeks appropriate directions.

Heard learned counsel for the petitioner and learned Government Pleader for Civil Supplies.

Sri B. Nageswara Rao, learned counsel for the petitioner, submits that the petitioner has ceased to be the Anganwadi Supervisor with effect from March 2004. In fact, there is an assertion to this effect by the petitioner in the affidavit filed in support of the petition. Obviously, as this fact was not mentioned in the explanation, the second respondent treated that the petitioner is holding that post and thereby suspended her authorization. If what is stated by the petitioner is true, it can certainly constitute a valid ground in her favour in the appeal pending before the first respondent. Inasmuch as the matter needs verification, this Court is not inclined to record any finding as regards the same.

Hence, the writ petition is disposed of directing that the first respondent shall pass appropriate orders in the appeal preferred by the petitioner within four weeks from the date of receipt of a copy of this order. In case, the petitioner ceased to be the Anganwadi Supervisor by the time the order of suspension was passed by the second respondent, the same shall be taken into account by the first respondent. There shall be no order as to costs.

20.01.2005

Note:

Issue CC by 24.01.2005

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To

1 The Joint Collector (F.A.C.), Srikakulam, Srikakulam District.
2 The Revenue Divisional Officer, (F.P) Tekkali Division, Tekkali, Srikakulam District.

3 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

4 Two CD copies.